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9
10 **UNITED STATES BANKRUPTCY COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

12 In re:) Case No.: 16-41815 RLE
13)
14 **FARAJOLLAH HENNATI ATAIE aka**) Chapter 7
15 **ROGER ATAIE aka BIBI BAZAAR and**)
16 **FARZANEH P. ATAIE aka FARZI**) **MOTION TO CONVERT CASE UNDER**
17 **ATAIE,**) **11 U.S.C. §706(a); NOTICE OF**
18) **OPPORTUNITY FOR HEARING;**
19 Debtors.) **DECLARATION IN SUPPORT; AND**
20) **CERTIFICATE OF SERVICE**
21)
22 _____

23 TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

24 **PLEASE TAKE NOTICE** that Debtors request the court convert the present case from
25 Chapter 7 to Chapter 13 pursuant to 11 U.S.C. §706(a). Debtors further request that upon an
26 Order of Conversion, the Debtors being given 14 days from the date of the Order to file their
27 Chapter 13 Plan.

28 **NOTICE IS HEREBY GIVEN**, pursuant to B.L.R. 9014-1(b)(3) as modified by B.L.R.
1017-1(b), that:

**"Any objection to the requested relief, or a request for hearing on the matter, must
be filed and served upon the initiating party within 14 days of mailing the notice;**

1 **Any objection or request for a hearing must be accompanied by any declarations or**
2 **memoranda of law any requesting party wishes to present in support of its position;**

3 **If there is no timely objection to the requested relief or a request for hearing, the**
4 **court may enter an order granting the relief by default.**

5 **In the event of a timely objection or request for hearing, (either):**

6 **The initiating party will give at least seven days written notice of the hearing to**
7 **the objecting or requesting party, and to any trustee or committee appointed in**
8 **the case; or**

9 **The tentative hearing date, location and time are (insert date location and**
10 **time)."**

11
12
13 **MOTION**

14 Debtors hereby move this court for an Order converting the above Chapter 7 case to a
15 case under chapter 13. This motion is made pursuant to 11 U.S.C. §706(a) which states in part
16 that "The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of
17 this title at any time, if the case has not been converted under section 1112, 1208 or 1307 of
18 this title."
19

20 Debtors filed their voluntary petition under Chapter 7 on June 29, 2016. Marlene
21 Weinstein was appointed the Chapter 7 Trustee in this matter. The Trustee's attorney of
22 record is Charles P. Maher of Dentons US LLP.

23 This case has not been previously converted.

24 This motion is filed in good faith, and that Debtors are eligible for relief under the
25 chapter for which conversion is requested.
26

27 Dated: September 19, 2016

28 /s/ Scott Jordan
Attorney

DECLARATION

We declare under penalty of perjury that the information listed below is true and correct:

1. We are the Debtor's in the above-captioned case.

2. At the time we filed this Chapter 7 case, we listed all of our known assets in our possession and to which we believed we were entitled to own.

3. In December 2015, Farzaneh Ataie's mother died in the Republic of Iran.

4. The mother left a sizeable estate consisting of gold coins, two apartments, a partial interest in undeveloped farm land, cash and antiques.

5. While the laws of succession in Iran would dictate a division of the estate between Farzaneh Ataie and her two sisters, only one sister lives in Iran. As such, in accordance with Iranian law, as we understand them to be, the sister living in Iran has sole possession of the entirety of the estate.

6. Following the bankruptcy filing, Farzaneh Ataie spoke with her sister in Iran, who has verbally agreed to turn over a portion of the liquid estate and one of the apartments so that it can be sold.

7. Debtors believes that each apartment has a fair market value of approximately \$250,000.00 and can be sold in a timely manner.

8. Debtors require sufficient time for Farzaneh Ataie to travel to Iran to effectuate the transfer, which requires her physical presence, and to sell the property and to legally transfer the money from Iran to the United States.

Dated: September 19, 2016

/s/ Farajollah Jennati Ataie

Farajollah Jennati Ataie

Dated: September 19, 2016

/s/ Farzaneh Ataie

Farzaneh Ataie

CERTIFICATE OF SERVICE

I am not less than 18 years of age and not a party to the within case. My business address is 18 Crow Canyon Court, Suite 280, San Ramon, CA 94583. I served this MOTION TO CONVERT CASE UNDER 11 U.S.C. §706(a); NOTICE OF OPPORTUNITY FOR HEARING; DECLARATION IN SUPPORT by first-class United States mail, postage pre-paid, at San Ramon, California, on the date noted below and addressed to those listed below, which includes all parties entitled to receive regularly mailed notices. The Chapter 7 Trustee will receive such notice upon the electronic filing of this document. I declare, under penalty of perjury, that the foregoing is true and correct.

SEE ATTACHED SERVICE LIST

Dated: September 19, 2016 at San Ramon, California.

/s/ Scott Jordan
Scott Jordan

Abbey Gassemi
50800 300th STW
Neenach, CA 93536

Crown Asset Management, LLC
3100 Breckinridge Blvd.
Suite 725
Duluth, GA 30096

Kaiser Foundation Health Plan,
Inc.
File 50016
Los Angeles, CA 90074-0016

Allied Interstate
PO Box 361445
Columbus, OH 43236

D.M. Livermore, Inc.
29310 Union City Blvd.
Union City, CA 94587

MassMutual Financial Group
Policy Loans
PO Box 75045
Charlotte, NC 28275-0045

AT&T
PO Box 5025
Carol Stream, IL 60197-5025

Department of the Treasury
Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Merchant Services
371 Centennial Parkway
Louisville, CO 80027

C&C Company
3715 Beechglan Dr.
Glendale, CA 91214

Discover Bank
PO Box 6103
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MRS BPO, LLC
1930 Olney Avenue
Cherry Hill, NJ 08003

Capital One Retail Services
PO Box 60504
City of Industry, CA 91716-
0504

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1672 Terrace Road
Walnut Creek, CA 94597

Northstar Location Services,
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Attn: Financial Services Dept.
PO Box 49
Bowmansville, NY 14026-0049

Chase Bank
PO Box 183232
Columbus, OH 43218-3232

First National Bank
PO Box 2557
Omaha, NE 68103-2557

PG&E
P.O. Box 997300
Sacramento, CA 95899-7300

Chase Bank
Cardmember Services
PO Box 94014
Palatine, IL 60094-4014

Franchise Tax Board
Bankruptcy Section MS A340
PO Box 2952
Sacramento, CA 95812-2952

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221 Main Street, Suite 300
San Francisco, CA 94105

Chase Bank
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Citrus Heights, CA 95621

Soofer Company, Inc.
2828 S. Alameda Street
Los Angeles, CA 90058-1329

Chevron/Synchrony Bank
PO Box 530950
Atlanta, GA 30535-0950

Jamsid Salimi
1874 Waltham Circle
Marietta, GA 30062

Spicemart, Inc.
510 E. Trimble Road
San Jose, CA 95131-1221

Citi Cards
PO Box 78045
Phoenix, AZ 85062-8045

JPMorga Chase Bank, N.A.
PO Box 659754
San Antonio, TX 78265-9754

State Board of Equalization
Collection Dept.
P.O. Box 942879
Sacramento, CA 94279-0029

The Mauzy Partnership
PO Box 493
Walnut Creek, CA 94596

TransFirst, LLC
371 Centennial Parkway
Superior, CO 80027

United Collection Bureau, Inc.
5620 Southwyck Blvd., Suite
206
Toledo, OH 43614

Viking Client Services, Inc.
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Minneapolis, MN 55344-2697

Viking Client Services, Inc.
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Yellow Pages
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